REMARKS

A.   Claims 1-4, 6, 7, 10, 12, 14, 16, 17, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over ISO/IEC 13818-6 (First edition 1998-09-01)(hereafter: ISO), in view of Jerding *et al.* (U.S. Patent Publication No. 2006/0206913), and further in view of Goffin, II (U.S. Patent No. 6,918,135). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 1

Claim 1 calls for, in part, *directly requesting, at a client, <u>without passing through a network session resource manager,</u> a digital broadcasting server for a session connection, and establishing a session by receiving, <u>without passing through said network session resource manager,</u> a confirmation message for the session connection from the digital broadcasting server.*

The Examiner states ISO teaches directly requesting, at a client, a SRM (Session Resource Manager) for a session connection, and establishing a session by receiving a confirmation message for the session connection from the SRM ("Network referred to here refers to "SRM" as shown in Fig. 0-1 on P.xx, since clause 4 relates to User to Network Session Messages as stated in the contents on P. iii. P. 76 Step 1 teaches "the Client shall send ClientSessionSetUpRequest to the Netwo rk..." to establish a new session connection. P. 78 Steps 7-8 teaches the client receiving a

ClientSessionSetUpConfirm message from the SRM establishing the session connection. As seen on Fig. 4-6, the client is directly sending and receiving messages from the SRM).

The Examiner then states that ISO does not teach that the SRM (Session Resource Manager) can also reside at the digital broadcaster server.

Here the Examiner applies Jerding, stating, teaches session setup and controlling video distribution between server and client. Jerding also teaches a SRM (Session Resource Manager) that resides at the digital broadcaster server (cable headend) (Fig. 2, Paragraph 0037 teaches where both the MOD application server 19 and the digital network control system {DNCS, SRM} are both located at the cable television headend 11). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of ISO to include the SRM at the cable headend, as taught by Jerding, for the advantage of providing the cable service providers with greater control and manageability over the broadcasting infrastructure. Goffin was not applied in this regard.

Claim 1 was modified to claim what has been disclosed, no new matter is added.

The Applicant's specification clearly discloses, according to 35 U.S.C. §112, paragraph 1, that the client and digital broadcasting server are in direct communication (Fig. 3), and that requests and comments are communicated between the client and the digital broadcasting server "without passing through a session resource manager (SRM)". See paragraphs [0052] and [0056].

MPEP §2173.05(i) discusses negative limitations in a claim, and states:

The current view of the courts is that there is nothing inherently

ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. . . . Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a prima facie case for lack of descriptive support. Ex parte Parks, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993).

Accordingly, claim 1 has basis in the original disclosure. Therefore, since the applied art teaches utilizing a network session resource manager (SRM), and fails to teach *directly requesting, at a client, without passing through a network session resource manager, a digital broadcasting server for a session connection, and establishing a session by receiving, without passing through said network session resource manager, a confirmation message for the session connection from the digital broadcasting server,* the rejection of claim 1 is deemed to be in error, and should be withdrawn.

Claim 17

Claim 17 is similar to claim 1, in that claim 17 calls for, in part, *a client and a digital broadcasting server, the client directly requesting, without passing through a network session resource manager, the digital broadcasting server for a session connection, and establishing a session by receiving, without passing through the network session resource manager, a confirmation message for the session connection from the*

digital broadcasting server.

Accordingly, the rejection of claim 17 is deemed to be in error for the same reason as claim 1, and should be withdrawn.

Claims 2-4, 6, 7, 12, 19 and 20 depend from claim 1 and 17 and are deemed to be patentable over the applied art at least for the same reasons as argued above.

B.   **Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over ISO/IEC 13818-6 (First edition 1998-09-01), in view of Jerding *et al.* (U.S. Patent Publication No. 2006/0206913), in view of Goffin, II (U.S. Patent No. 6,918,135), and further in view of Chapman (U.S. Patent No. 7,113,484). The Applicant respectfully traverses this rejection for the following reason(s).**

Chapmann fails to teach the features noted as lacking in the combination of ISO, Jerding and Goffin. Accordingly, claim 5 is deemed to be patentable over the applied art at least for the same reasons as argued above.

C.   **Claims 9, 11 and 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over ISO/IEC 13818-6 (First edition 1998-09-01), in view of Jerding *et al.* (U.S. Patent Publication No. 2006/0206913), in view of Goffin, II (U.S. Patent No. 6,918,135), and further in view of Lalwaney *et al.* (U.S. Patent No.**

6,289,377). The Applicant respectfully traverses this rejection for the following reason(s).

Lalwaney fails to teach the features noted as lacking in the combination of ISO, Jerding and Goffin. Accordingly, claims 9, 11 and 15 are deemed to be patentable over the applied art at least for the same reasons as argued above.

D. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over ISO/IEC 13818-6 (First edition 1998-09-01), in view of Jerding *et al.* (U.S. Patent Publication No. 2006/0206913), and further in view of Lalwaney *et al.* (U.S. Patent No. 6,289,377). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 13 is similar to claim 1, in that claim 13 calls for, in part, *directly requesting, at a client, without passing through a network session resource manager, a digital broadcasting server for a session connection, and establishing a session by receiving, without passing through the network session resource manager, a confirmation message for the session connection from the digital broadcasting server.*

Lalwaney fails to teach the features noted as lacking in the combination of ISO, and Jerding. Accordingly, claim 13 is deemed to be patentable over the applied art at least for the same reasons as argued above.

E.   Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over ISO/IEC 13818-6 (First edition 1998-09-01), in view of Jerding *et al.* (U.S. Patent Publication No. 2006/0206913), in view of Goffin, II (U.S. Patent No. 6,918,135), and further in view of Yun (U.S. Patent Publication No. 2007/0006254). The Applicant respectfully traverses this rejection for the following reason(s).

Yun fails to teach the features noted as lacking in the combination of ISO, Jerding. and Goffin as applied to claim 17. Accordingly, claim 18 is deemed to be patentable over the applied art at least for the same reasons as argued above.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Response, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

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